

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

RUSTY STRICKLAND,)	
ALAN AND AMY WEST FARMS,)	
ALAN WEST,)	
AMY WEST,)	
DOUBLE B FARMS, LLC, and)	
BRYAN BAKER,)	
Plaintiffs,)	
)	
v.)	Case No. 2:24-cv-60-Z
)	
THE UNITED STATES DEPARTMENT)	
OF AGRICULTURE,)	
THOMAS J. VILSACK, in his official)	
capacity as Secretary of the United States)	
Department of Agriculture,)	
ZACH DUCHENEAUX, in his official)	
capacity as Administrator of the Farm)	
Service Agency, and)	
THE UNITED STATES OF AMERICA,)	
Defendants.)	

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR
EXTENSION OF TIME**

The parties in this case carefully negotiated a schedule that completes briefing promptly. Defendants' counsel requested 45 days and received 48 days in that schedule to file their response and cross-motion for summary judgment. To promptly complete briefing, Plaintiffs' counsel limited their time, with only 28 days between the filing of the administrative record and Plaintiffs' motion for summary judgment. The Court ordered that schedule, and it may be modified only for good cause. ECF No. 29 at 1; Fed. R. Civ. P. 16(b)(4). Plaintiffs respectfully request that the Court

provide Defendants 14 additional days, taking the time from Plaintiffs' time to file their reply, and leave intact Defendants' final deadline of December 16, 2024.¹

Delaying the schedule will prejudice Plaintiffs. As this Court already held, Plaintiffs have likely been unlawfully discriminated against based on their race and sex in inactive programs that cannot be cured by the existing preliminary injunction. And although the preliminary injunction prevents further injury, it does not prevent Plaintiffs' existing harm from being exacerbated by delay. Plaintiffs run their businesses in competitive marketplaces. Leaving them out in the cold any longer than necessary further threatens their livelihoods. Every day the government maintains the current system of racial discrimination and fails to cure it only worsens Plaintiffs' situation.

And the Department of Justice—"the world's largest law office"²—is well-equipped to manage its own schedule. The intervening events to which Defendants refer are not abnormal and the Department of Justice is famously well-staffed. A 14-day extension, bringing Defendants' total time to 62 days—more than double Plaintiffs' 28 days for their motion for summary judgment—is more than enough grace for this Court to extend without good cause.

Dated: October 9, 2024.

Respectfully submitted,

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¹ Defendants' explanation in their brief of Plaintiffs' position is incomplete. Plaintiffs stated that they would support a 14-day extension to October 29, 2024, so long as it left unchanged the other dates in the scheduling order. This would leave Plaintiffs with a manageable 16 days to file their reply.

² United States Department of Justice, About the Office, <https://perma.cc/CS8T-WKM5>.

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CERTIFICATE OF COMPLIANCE

This brief conforms to the requirements of Local Rule 7.2. It was prepared in 12-point Times New Roman Font. It is double-spaced and has margins that are at least one inch on all four sides. No text other than page numbers is in the margins.

Respectfully submitted,

/s/ Benjamin I. B. Isgur
BENJAMIN I. B. ISGUR

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Respectfully submitted,

/s/ Benjamin I. B. Isgur
BENJAMIN I. B. ISGUR